

DAILY DIGEST

Vol. 16, No. 244

December 19,1997

**Before an entry denotes that the item is part of the FCC's implementation of the 1996 Telecom Act. While we will attempt to flag all Telecom Act-related items, this marking is unofficial and informational only.

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The following items were adopted at the December 18, 1997, Commission meeting and released later that day.

NEWS RELEASES

CABLE SERVICES ACTION - COMMISSION SEEKS COMMENT ON PROPOSALS TO IMPROVE PROGRAM ACCESS RULES - CS DOCKET NO. 97-248. In order to ensure that all providers of multichannel video services have a reasonable opportunity to secure the programming they need to satisfy viewers, the Commission has adopted a notice seeking comment on revisions to its program access rules. Action by the Commission, December 18, 1997, by Notice of Proposed Rulemaking (FCC 97-415). Report No: CS 97-31. Adopted: December 18, 1997. News Media Contact: Morgan Broman (202) 418-2358. CSB Contact: Steve Broeckaert and Deborah Klein at (202) 418-7200; TTY: (202) 418-7172. Internet URL: https://www.fcc.gov/Bureaus/Cable/News_Releases/1997/nrcb7024.html

MASS MEDIA ACTION - FCC SEEKS COMMENT ON FEE ALTERNATIVES FOR ANCILLARY OR SUPPLEMENTARY SERVICES OFFERED BY DIGITAL TELEVISION BROADCASTERS (MM DOCKET 97-247). The FCC requested comment on various fee alternatives for broadcasters' use of excess digital capacity to offer certain services that would be "ancillary or supplementary" to their over-the-air digital broadcast (DTV) signals. Action by the Commission December 18, 1997 by Notice of Proposed Rulemaking (FCC No. 97-414). Report No: MM 97-17. Adopted: December 18, 1997. News Media Contact: David Fiske (202) 418-0500. MMB Contact: MMB Contacts: Susanna Zwerling at (202) 418-2140, Jerry Duvall at (202) 418-2616; OPP Contact: Jonathan Levy at (202) 418-2030. Internet URL: https://www.fcc.gov/Bureaus/Mass_Media/News_Releases/1997/nrmm7021.html

WIRELESS TELECOMMUNICATIONS ACTION - FCC ADOPTS STREAMLINED AUCTION RULES (WT DOCKET 97-82, ET DOCKET 94-32). The Commission adopted comprehensive and streamlined rules for all auctionable services, replacing rules adopted in 1994 which require the Commission to adopt separate rules for each auction. The Commission also sought further comment on the use of installment payments and other financial incentives for small businesses, women, minorities and rural telephone companies. Action by the Commission December 18, 1997, by Third Report and Order and Second Further Notice of Proposed Rulemaking (FCC 97-413). Report No: WT 97-44. Adopted: December 18, 1997. News Media Contact: Rosemary Kimball (202) 418-0500. WTB Contact: News Media: Elizabeth Lyle at (202) 418-0654; WTB Contact: Josh Roland and Ken Burnley at (202) 418-0660. Internet URL: https://www.fcc.gov/Bureaus/Wireless/News_Releases/1997/nrw17047.html

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The following items are dated for and released on December 19, 1997:

NEWS RELEASES

CORRECTION - BROADCAST STATION TOTALS AS OF NOVEMBER 30, 1997.

INTERNATIONAL ACTION - UNDERSTANDING REACHED BETWEEN FCC AND INDUSTRY CANADA TO ALLOW USE OF DIGITAL MULTIPOINT DISTRIBUTION SERVICE (MDS) SYSTEMS ALONG THE U.S./CANADA BORDER AREA. The FCC and Industry Canada have finalized an Understanding that permits the use of digital technology by Multipoint Distribution Service (MDS) systems along the U.S./Canada border area. Report No: IN 97-39. IB Contact: Henry Straube, Planning and Negotiations Division, International Bureau at (202) 418-2150 or Keith Larson, Mass Media Bureau at (202) 418-2600.

PUBLIC NOTICES

Released: December 19, 1997. UNDERSTANDING REACHED BETWEEN FCC AND INDUSTRY CANADA TO ALLOW USE OF DIGITAL MULTIPPOINT DISTRIBUTION SERVICE (MDS) SYSTEMS ALONG THE U.S./CANADA BORDER AREA. (DA No. 97-2661). Contact: Henry Straube, Planning and Negotiations Division, International Bureau at (202) 418-2150 or Keith Larson, Mass Media Bureau at (202) 418-2600.

Released: December 19, 1997. TARIFF TRANSMITTAL PUBLIC REFERENCE LOG - DECEMBER 18. Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/Tariffs/combined/tt121897.pdf

Report No: TEL-123-A. Released: December 19, 1997. STREAMLINED INTERNATIONAL SECTION 214 APPLICATIONS ACCEPTED FOR FILING (FORMAL SECTION 63.18). Internet URL: https://www.fcc.gov/Bureaus/International/Public_Notices/1997/pnin7279.txt

Report No: 24142. Released: December 19, 1997. BROADCAST APPLICATIONS. Internet URL: https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdcst_Applications/ap971219.txt

Report No: LB-98-14. Released: December 19, 1997. WIRELESS TELECOMMUNICATIONS BUREAU COMMERCIAL WIRELESS SERVICE INFORMATION. Internet URL: https://www.fcc.gov/Bureaus/Wireless/Public_Notices/1997/pnw17269.txt

Released: December 19, 1997. AUCTION SCHEDULE FOR THE GENERAL WIRELESS COMMUNICATIONS SERVICE - CORRECTION. Corrects typographical error in Public Notice "FCC Announces Auction Schedule for General Wireless Communications Service," DA 97-2634, released December 17, 1997. (DA No. 97-2662). Contact: Kathy Garland, Lisa Hartigan, or LaVonia Connelly, Auctions and Industry Analysis Division at (202) 418-0660. Internet URL: https://www.fcc.gov/Bureaus/Wireless/Public_Notices/1997/da972662.txt

TEXTS

CHIBARDUN TELEPHONE COOPERATIVE, INC. Granted Chibardun's request to extend the deadline for reply comments to January 6, 1998 in the proceeding involving Chibardun's and CTC Telcom, Inc.'s petition for preemption pursuant to section 253 of the Communications Act of 1934, as amended; reply comments due January 6, 1998. Dkt No.: CC- 97-219. Action by Acting Chief, Policy and Program Planning Division. Adopted:

December 18, 1997. by Order. (DA No. 97-2658). CCB Internet URL:
https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1997/da972658.txt

MARCUS CABLE ASSOCIATES, L.P. Granted complaint filed against Marcus Cable Associates, L.P. for its rates charged for cable programming services tier in the non-upgrade and upgrade segments of the system in Montrose, CA, and ordered Marcus Cable Associates, L.P. to pay refunds to subscribers. Action by Deputy Bureau Chief. Adopted: December 17, 1997. by Order. (DA No. 97-2648). CSB Internet URL:
<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972648.txt>

MARCUS CABLE ASSOCIATES, L.P. Granted complaint filed against Marcus Cable Associates, L.P. for the rates it charged for its cable programming services tier in the non-upgrade and upgrade segments of the system in LaCrescenta, CA, and ordered Marcus Cable Associates, L.P. to pay refunds to subscribers. Action by Deputy Bureau Chief. Adopted: December 17, 1997. by Order. (DA No. 97-2649). CSB Internet URL:
<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972649.txt>

MARCUS CABLE ASSOCIATES, L.P. Granted in part and denied in part petition for reconsideration filed by Marcus Cable Associates, L.P., concerning its rate for cable programming service tier in Glendale, CA. Denied complaints filed against Marcus Cable Associates, L.P. concerning its cable programming service tier rate effective June 1, 1997. Action by Deputy Bureau Chief. Adopted: December 18, 1997. by Order. (DA No. 97-2663). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972663.txt>

TRIAX MIDWEST ASSOCIATES, L.P. Vacated Order DA 97-1643 in part and granted complaints filed against the rates charged for cable programming services tier in multiple communities in Hennepin and Carver counties, MN. Action by Deputy Bureau Chief. Adopted: December 17, 1997. by Order. (DA No. 97-2646). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972646.txt>

TCI CABLEVISION OF CENTRAL TEXAS. Granted complaint filed against the cable programming service tier rate charged by TCI Cablevision of Central Texas in the City of New Braunfels, TX, beginning June 1, 1997, and ordered TCI Cablevision of Central Texas to pay refunds to subscribers. Action by Deputy Bureau Chief. Adopted: December 17, 1997. by Order. (DA No. 97-2647). CSB Internet URL:
<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972647.txt>

KBL CABLESYSTEMS OF THE SOUTHWEST, INC. Granted petition for special relief for modification of the television market of Station KTRG-TV, Del Rio, Texas. Action by Deputy Bureau Chief. Adopted: December 17, 1997. by MO&O. (DA No. 97-2636). CSB Internet URL:
<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972636.txt>

TCI OF SOUTH FLORIDA. Denied complaints filed against TCI of South Florida concerning its rate for cable programming service tier in Dade and North Miami, FL. Action by Chief, Financial Analysis and Compliance Division. Adopted: December 18, 1997. by Order. (DA No. 97-2656). CSB Internet URL:
<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972656.txt>

JONES GROWTH PARTNERS, L.P. Denied complaint filed against Jones Growth partners, L.P., concerning its rate for cable programming service tier and basic service tier in Glen Ellyn, IL. Action by Chief, Financial Analysis and Compliance Division. Adopted: December 16, 1997. by Order. (DA No. 97-2628). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972628.txt>

PAXSON BOSTON LICENSE, INC. Granted the petition for mandatory carriage of television station WGOT-TV, Merrimack, New Hampshire, on Cablevision of Boston, L.P. serving Boston and surrounding areas. Action by Chief, Consumer Protection and Competition Division. Adopted: December 16, 1997. by MO&O. (DA No. 97-2635). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972635.txt>

CABLEVISION OF CONNECTICUT, L.P. Denied complaints filed against the rates charged by Cablevision of Connecticut, L.P. for cable programming service tier in Greenwich, New Canaan, Norwalk, Stamford, and Westport, Connecticut. Action by Chief, Financial Analysis and Compliance Division. Adopted: December 18,

1997. by Order. (DA No. 97-2644). CSB Internet URL:
<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972644.txt>

SAN MATEO COMMUNITY COLLEGE DISTRICT. Granted must carry complaint filed against Century Communications, operator of a cable television system serving Rohnert Park, Sonoma, Sebastopol, Cotati, California, and surrounding areas, seeking carriage. Action by Chief, Consumer Protection and Competition Division. Adopted: December 18, 1997. by MO&O. (DA No. 97-2651). CSB Internet URL:
<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972651.txt>

GULF AND PACIFIC COMMUNICATIONS, L.P./HISPANIC KEYS BROADCASTING CORP. Granted petition filed by Gulf& Pacific Communications L.P. seeking special relief to modify the Miami-Ft. Lauderdale, Florida ADI to exclude Television Broadcast Station WWFD-TV (Channel 8), Key West, Florida, from carriage on its cable system Weston, Florida. Dismissed as moot, must carry complaint filed by Hispanic Keys Broadcasting Corp., licensee of station WWFD-TV. Action by Deputy Bureau Chief. Adopted: December 17, 1997. by MO&O. (DA No. 97-2652). CSB Internet URL:
<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972652.txt>

HARRON CABLEVISION OF MASSACHUSETTS, D/B/A HARRON COMMUNICATIONS CORP. Granted petition filed by Harron Cablevision of Massachusetts d/b/a Harron Communications Corp. seeking special relief to modify the Boston, Massachusetts ADI to exclude Television Broadcast Station WGOT (Ch. 60), Merrimack, New Hampshire from carriage on its cable system serving Pembroke, Halifax, Plympton, Abington & Rockland, Massachusetts. Action by Deputy Bureau Chief. Adopted: December 17, 1997. by MO&O. (DA No. 97-2653). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972653.txt>

CABLEVISION SYSTEMS OF SOUTHERN CONNECTICUT, INC. Denied complaints filed against the rates charged by Cablevision Systems of Southern Connecticut, Inc. for cable programming service tier in Bridgeport, Stratford and Fairfield, Connecticut. Action by Chief, Financial Analysis and Compliance Division. Adopted: December 18, 1997. by Order. (DA No. 97-2645). CSB Internet URL:
<https://www.fcc.gov/Bureaus/Cable/Orders/1997/da972645.txt>

SYRACUSE, NY. Denied Max Television of Syracuse, L.P.'s Response to a Notice of Apparent Liability issued against Max; ordered that Max Television of Syracuse, L.P., licensee of Television Station WSYT(TV), Syracuse, New York, forfeit \$20,000 for repeated violations of Section 73.670 of the Commission's Rules, which limits the amount of commercial matter that may be aired during children's programming. Action by Bureau Chief. Adopted: December 15, 1997. by MO&O. (DA No. 97-2613). MMB Internet URL:
https://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/da972613.txt

ROCHESTER, NY. Denied Act III Broadcasting License Corporation's Petition for Reconsideration and Reduction or Elimination of Forfeiture; ordered that Act III Broadcasting License Corporation, licensee of television station WUHF(TV), Rochester, NY forfeit \$15,000 for repeated violations of Section 73.670 of the Commission's Rules, which limits the amount of commercial matter that may be aired during children's programming. Action by Bureau Chief. Adopted: December 17, 1997. by MO&O. (DA No. 97-2626). MMB Internet URL: https://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/da972626.txt

GIDEON, MO. Effective February 2, 1998, amended Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, to allot Channel 280A to Gideon, Missouri, as the community's first local FM broadcast service; terminated proceeding. Dkt No.: MM- 97-120. Action by Chief, Allocations Branch. Adopted: December 3, 1997. by R&O. (DA No. 97-1464). MMB Internet URL:
https://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/da971464.txt

LEXINGTON, TX. Dismissed Petition for Rulemaking filed by Lee County Broadcasters, proposing the allotment of Channel 286A to Lexington, Texas (RM-9134); terminated proceeding. Dkt No.: MM- 97-173. Action by Chief, Allocations Branch. Adopted: December 10, 1997. by R&O. (DA No. 97-2606). MMB Internet URL: https://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/da972606.txt

GOLDSMITH, TX. Effective February 2, 1998, amended Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, to allot Channel 234A to Goldsmith, Texas, as its first local aural service; terminated proceeding. Dkt No.: MM- 97-197. Action by Chief, Allocations Branch. Adopted: December 10, 1997. by R&O. (DA No. 97-2607). MMB Internet URL:

https://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/da972607.txt

KERRVILLE, TX. Proposed amending FM Table to allot Channel 291A to Kerrville, Texas. Comments due February 9, 1998; replies February 24. Dkt No.: MM- 97-244. Action by Chief, Allocations Branch. Adopted: December 10, 1997. by NPRM. (DA No. 97-2611). MMB Internet URL:

https://www.fcc.gov/Bureaus/Mass_Media/Notices/1997/da972611.txt

WALLA WALLA, WA AND HERMISTON, OR. Proposed amending FM Table to: 1) Substitute Channel 256C2 for Channel 256C3 at Walla Walla, Washington and modify license of Station KUJ-FM accordingly; 2) Substitute Channel 258A for Channel 257A at Hermiston, Oregon, and modify Station KQFM(FM)'s license accordingly. Ordered Westend Radio, L.L.C., licensee of Station KQFM(FM), Hermiston, OR, to show cause why its license should not be modified to specify operation on Channel 258A in lieu of 257A. Comments due January 9, 1998; replies January 24. Dkt No.: MM- 97-246. Action by Chief, Allocations Branch. Adopted: December 10, 1997. by NPRM & Ord. (DA No. 97-2610). MMB Internet URL:

https://www.fcc.gov/Bureaus/Mass_Media/Notices/1997/da972610.txt

ADDENDA: The following items, released December 18, 1997, did not appear in Digest No. 243:

NEWS RELEASES

STATEMENT OF FCC CHAIRMAN WILLIAM KENNARD ON BROADCASTER BUILD-OUT OF DIGITAL TELEVISION. Kennard.

PUBLIC NOTICES

Released: December 18, 1997. NOTICE OF TELECOMMUNICATIONS RELAY SERVICES (TRS) APPLICATIONS FOR STATE CERTIFICATION ACCEPTED (CC DOCKET NO. 90-571). Comments due January 20, 1998. (DA No. 97-2639). Contact: Al McCloud at (202) 418-2499 or Andy Firth at (202) 418-2224, Network Services Division, Common Carrier Bureau. Internet URL:

https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1997/da972639.txt

Released: December 18, 1997. FCC REPORT TO CONGRESS ON AUCTION - CORRECTIONS. Corrects portions of FCC Report to Congress on Spectrum Auctions, FCC 97-353, WT Docket No. 97-150, released on October 9, 1997. (DA No. 97-2657). Contact: Joanne Kumeckawa or Howard Griboff of the Auctions and Industry Analysis Division at (202) 418-0660. Internet URL:

https://www.fcc.gov/Bureaus/Wireless/Public_Notices/1997/da972657.txt

TEXTS

ERRATUM - CHANNEL 66 OF TAMPA, INC. AND PAXSON COMMUNICATIONS CORPORATION. Corrected MO&O in above-captioned matter, DA 97-2612, released December 15, 1997. by Erratum. (DA No. 97-2612).

AMERITECH. Granted Ameritech's request for a limited modification of local access transport area boundaries to provide expanded local calling service between New Philadelphia/Dover exchange and Uhrichsville exchanges. Action by Chief, Network Services Division. Adopted: December 18, 1997. by MO&O. (DA No. 97-2641). CCB

AMERITECH. Granted Ameritech's request for LATA modifications for the limited purpose of providing flat-rated, non-optional expanded local calling service between the Monroe and Cincinnati exchanges and the Monroe and Hamilton exchanges. Action by Chief, Network Services Division. Adopted: December 18, 1997. by MO&O. (DA No. 97-2640). CCB

BELL ATLANTIC-PENNSYLVANIA. Granted Bell Atlantic-Pennsylvania's request for local access transport area modification for the limited purpose of providing flat-rated, non-optional expanded local calling service from the Howard exchange to the State College exchange. Action by Chief, Network Services Division. Adopted: December 18, 1997. by MO&O. (DA No. 97-2642). CCB

MARY ANN HOLLIHAN V. AT&T CORP. Granted, to the extent indicated and otherwise denied, Mary Ann Hollihan's motion to withdraw her complaint against AT&T alleging violations of a Commission rule and Sections 202(a) and 258(a) of the Communications Act of 1934, as amended; dismissed with prejudice complaint and terminated proceeding. Action by Chief, Formal Complaints and Investigations Branch, Enforcement Division. Adopted: December 18, 1997. by Order. (DA No. 97-2637). CCB Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1997/da972637.txt

COX COMMUNICATIONS, INC. D/B/A EMERALD COAST CABLE TELEVISION. Reconsidered on its own motion and vacated in part and affirmed in part to the extent indicated Order DA 97-2448, released November 24, 1997 concerning the rates charged for cable programming services tier in Okaloosa, FL. Action by Bureau Chief. Adopted: December 18, 1997. by Ord. on Recon. (DA No. 97-2659). CSB

IMPLEMENTATION OF THE CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992; PETITION FOR RULEMAKING OF AMERITECH NEW MEDIA, INC. Issued Notice of Proposed Rulemaking regarding proposed amendments to the Commission's program access rules; comments due February 2, 1998; replies February 23. Dkt No.: CS- 97-248. Action by the Commission. Adopted: December 18, 1997. by MO&O and NPRM. (FCC No. 97-415). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1997/fcc97415.txt>

TELETRAC LICENSE, INC. Granted to the extent indicated, petition filed by Teletrac License, Inc. to apply for authorizations to operate internal fill-in transmitting sites within the existing coverage areas of its grandfathered Automatic Vehicle Monitoring systems. Action by Bureau Chief. Adopted: December 18, 1997. by Order. (DA No. 97-2459). WTB Internet URL: <https://www.fcc.gov/Bureaus/Wireless/Orders/1997/da972459.txt>

STEPHEN F. JOHNSTON, SR. Dismissed as moot TSR Paging Inc.'s petition to dismiss Stephen F. Johnston, Sr.'s applications for new paging facilities to operate on frequency 931.0875 MHz in the Washington, D.C. metropolitan area; dismissed Johnston's applications due to shortage of available spectrum on which to grant them. Action by Chief, Commercial Wireless Division. Adopted: December 18, 1997. by Order. (DA No. 97-2650). WTB

ADDENDA: The following items, released December 17, 1997, did not appear in Digest No. 242:

PUBLIC NOTICES

Released: December 17, 1997. ACCOUNTING & AUDITS DIVISION'S PUBLIC REFERENCE ROOM.

Report No: D-962-A. Released: December 17, 1997. MASS MEDIA BUREAU MULTIPOINT DISTRIBUTION SERVICE APPLICATIONS ACTIONS. Internet URL:

https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/MDS_Notices/md971217.txt

Report No: D-962. Released: December 17, 1997. MASS MEDIA BUREAU MULTIPOINT DISTRIBUTION SERVICE APPLICATIONS ACCEPTED FOR FILING. Internet URL:

https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/MDS_Notices/md971217.txt

TEXTS

THOMAS P. GAMMON, PRESIDENT, TURQUOISE BROADCASTING, INC. Issued a Notice of Apparent Liability for Forfeiture of \$18,500 to Thomas P. Gammon, President, Turquoise Broadcasting, Inc., Permittee of Station KIXF-FM, Baker, California and Licensee of Station KIXW-FM, Lenwood, California for multiple ownership rule violations. Action by Bureau Chief. Adopted: December 17, 1997. by Letter. (DA No. 97-2631). MMB

ADDENDA: The following items, released May 6, 1996, did not appear in Digest No. 80:

PUBLIC NOTICES

Released: May 6, 1996. REPORT NO. I-8173 -- INTERNATIONAL TARIFFS FILED ON ONE DAY'S NOTICE - EFFECTIVE MAY 9TH. (DA No. 96-712). Internet URL:

https://www.fcc.gov/Bureaus/International/Public_Notices/1996/da960712.txt